



City of Carmel

CARMEL PLAN COMMISSION

November 15, 2005

The regularly scheduled meeting of the Carmel Plan Commission met at 6:00 PM on November 15, 2005 in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members present: Jerry Chomanczuk, Leo Dierckman, Dan Dutcher, Wayne Haney, Kevin Heber, Dianna Knoll, Mark Rattermann, Rick Ripma, and Susan Westermeier, thereby establishing a quorum.

The minutes of the October 18, 2005 meeting were approved as submitted.

Matt Griffin and Adrienne Keeling attended the meeting on behalf of the Department of Community Services. John Molitor, legal counsel was also present.

Legal Counsel Report: John Molitor reported a lawsuit out of Marion County regarding their billboard regulations. A summary will be forthcoming.

Matt Griffin announced that item 2h, Gateway Pavilion is being continued to December 20, 2005.

Adrienne Keeling gave an update of the Comprehensive Plan meetings. The first meeting of six was held last night and will be instrumental in gathering input from the public and various groups—last night was the School Board. Perhaps a joint meeting/workshop could be scheduled among the City Council, the Plan Commission, and the School Board. There are also meetings planned with the Carmel Small Business Network, Carmel Neighborhood Association Network, and a series of three, general public meetings. The meetings will terminate December 7, 2005.

H. Public Hearings:

1H. Docket No. 05030024 PP: Sweet Charity Estates

The applicant seeks to plat 20 lots on 38.68 acres with the following subdivision waivers:.
The site is located at the 1303 West 116th Street and is zoned S1/Residential
Filed by Dave Barnes of Weihe Engineers

Docket No. 05110011 SW: 6.03.07—Cul-de-Sac Length

To seek relief from the maximum permitted cul-de-sac length of 600 feet.
The site is located at the 1303 West 116th Street and is zoned S1/Residential
Filed by Paul Reis of Drewry Simmons Vornehm LLP.

Docket No. 05110013 SW: 6.03.19 —Access to Arterials, Parkways, and Collectors

To seek relief from houses fronting collector streets/200 foot required separation from collector streets.

The site is located at the 1303 West 116th Street and is zoned S1/Residential

Filed by Paul Reis of Drewry Simmons Vornehm LLP.

Docket No. 05110014 SW: 6.05.07— Lots located adjacent to arterial, parkway, or collector streets.

To seek relief from houses located adjacent to collector streets/200 foot required separation from collector streets.

The site is located at the 1303 West 116th Street and is zoned S1/Residential

Filed by Paul Reis of Drewry Simmons Vornehm LLP.

Paul Reis, attorney, Drewry, Simmons & Vornehm, 8888 Keystone Crossing, Indianapolis appeared before the Plan Commission representing the applicant. Mike DeBoy, DeBoy Land Development Services, the Engineer of record, was also in attendance.

The petitioner is seeking approval to plat 22 lots on 38.68 acres located at 1303 West 116th Street and is zoned S-1/Residential. There are also a number of Subdivision Waivers being requested. The lot sizes range from 1.04 acres to 4.10 acres in area. The preliminary plat provides for common areas of over five and one-half acres. There are also natural areas that will allow for the preservation of mature trees and vegetation found along the meandering Clay Creek that bisects the site. There are two detention ponds on the site.

The zoning ordinance requires perimeter buffering around the entire site. Pursuant to that requirement, the petitioner has provided for the required buffer yards along all perimeter lots in the common areas. A detailed landscape plan will be developed when and if development and construction should occur in the future. The petitioner discussed the landscape situation with Scott Brewer, Urban Forester, and he is comfortable with the process. Scott Brewer had a concern about the landscape buffering along Ditch Road and along 116th Street and some of the drainage easements. The petitioner and engineers should be able to address this situation with Scott Brewer and additional information will be available at the Subdivision Committee.

The 20-year Thoroughfare Plan also requires street trees along the residential streets and those have been provided within the right-of-way of all interior streets. As mentioned earlier, there are significant natural areas with the common area. Rather than having one street go from north to south and then west, the petitioner elected to do a cul-de-sac that would preserve the natural area and also provide significant landscaping and buffering throughout the development.

In order to reduce the impact of the traffic on the lots along Ditch Road and also along 116th Street, the petitioner is providing for extensive landscape buffer areas—more extensive along 116th Street, a parkway, but still a substantial, 25-foot landscape buffer along Ditch Road, a collector street. Consistent with the Alternative Transportation Plan, a multi-use path is being provided on Ditch Road and on 116th Street. Also, within the subdivision there are sidewalks as are required.

Regarding access, there are 13 lots in the first section that will be serviced by Williams Circle. Lot one in Section Three is an existing residence and that will maintain the current driveway for access to 116th Street. There are five lots in Section Two that will use Sweet Charity Circle to access public road 116th Street. The subdivision has been designed for sanitary sewer service and connection to that utility will be made at the time of final plat and construction plan submittal.

Paul Reis explained the reasoning for the three Subdivision Waivers being requested.

The length of the cul-de-sac streets would exceed 600 feet allowed by the Ordinance. The design of the two cul-de-sac streets allows the preservation of the natural area. The second waiver has to do with access to arterials. The Subdivision Control Ordinance requires that the plat incorporate four specific features that will reduce traffic impact on residential lots and will afford separation of through and local traffic. A waiver is requested from those particular methods to allow a 25 foot landscape buffer along Ditch Road and 116th Street. Additionally, it is anticipated that two of the homes will front Williams Circle. The petitioner is increasing the side yard setback to 40 feet. The homes will have the side-yards toward 116th Street rather than fronting. The third waiver has to do with lots facing an arterial or collector street. The petitioner is requesting four lots be allowed to front onto Sweet Charity Circle and Williams Circle. This allows for better buffering and the lessening of the traffic impact. Additionally, it will create a really nice streetscape along Ditch Road and 116th Street because the homes will not back up to the street.

It is the petitioner's belief that the use and value of the adjacent properties will not be affected in a substantially adverse manner should the waivers be approved. The need for the waivers primarily arises out of the natural topography and layout of the site as well as matching up with the adjacent lots to the south. A strict application of the Ordinance would constitute an unusual and unnecessary hardship and prevent a more sensitive and reasonable development of the property. Finally, the granting of the Waivers does not interfere with the Comprehensive Plan.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition or ask questions.

Jean Atkins, neighbor, asked about the number of homes proposed and the price point for the homes. Ms. Atkins said that the homes in the immediate area are rather expensive and she questioned if it was fair that one person could make a lot of money and bring down the value of everyone else's home in the area.

Janice B. Foster, 11590 Ditch Road was confused about the process and the Committee meetings. Ms. Foster was concerned about the size of the lots and asked that this be made a "special" area.

Leo Dierckman recommended that the petitioner meet with the members of the public and answer questions. Mr. Dierckman also encouraged the members of the public to attend the Committee meeting December 06 when this item would be reviewed.

Rebuttal: Paul Reis stated that there is no lot that is less than one acre in size. The price and home quality of the homes will be answered when and if the development of this parcel takes place. At this time, this is a preliminary plat, there are no construction plans. In the future, if there are plans to develop this land, notice will be made. At this time, the preliminary plat is showing lots smaller than three acres because this plan was filed prior to the enactment of the Overlay Ordinance that specified three-acre lots on 116th Street.

Department Comments, Matt Griffin: This filing is a Primary Plat and the only chance the Commission will have to see this; the Secondary Plats are reviewed administratively. The Department is recommending that this item be forwarded to the Subdivision Committee for review on December 6, 2005.

Commission Comments:

Dan Dutcher noted the "disconnect" between the anticipated process following approval of the preliminary plat and asked that this be reviewed. Dan also asked that the petitioner review common area access, particularly those lots that would be in phase two on Sweet Charity Circle. The experience of the Committee has been that when waivers have been granted related to lots adjacent to arterial or access to arterial, collectors, etc., those have been recommended for approval contingent upon certain commitments for planting, buffering, etc.—this also needs to be reviewed.

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Paul Reis responded that the way he had interpreted the Ordinance, the petitioner would have to present the final plat to the Commission. However, if that is not the case, Paul Reis will discuss with John Molitor and the Department. Regarding access, there is a walkway around the lots and common area that can be utilized for entry/access. All of the lots do have access into the common area.

Jerry Chomanczuk asked about the meandering stream that cuts through the property. With the two detention ponds, is there a guarantee that the meandering won't terminate at that point? In other words, will there still be a stream going southward and eastward? Also, the property to the east—the Hilbert/Conseco property, who received the notification of public hearing?

Paul Reis said that most definitely, the stream will still be in existence; the comments made by the County stated that if the property were to be developed, "Clay Creek" as it is known would become a legal drain and it would continue through the site. Mr. Kendig at Conseco received the notice and returned it—it is difficult to give notice.

Mr. Heber requested that a detailed picture be given of the existing trees and landscape for review by the Subdivision Committee. Mr. Heber said he was not totally convinced of the necessity of the two retention ponds on this site, especially with the stream on the property.

Dianna Knoll asked that information be given at Committee regarding the date the change was made to the Ordinance from one acre to three acres. Also, what is the filing date of the subject Docket?

Mark Rattermann commented that the Plan Commission does not have the power or authority to change this application to three-acre lots. There are waivers that can be debated and discussed, but the Commission does not have the ability to make the petitioner comply with the new rule because this Docket was filed under the old rule.

John Molitor, Legal Counsel, concurred with Mark Rattermann's comments. An application is considered under the Ordinance in effect at the time of filing. At the time this application was filed, the Ordinance did not require three-acre lots.

Docket No. 05030024 PP, Sweet Charity Estates was forwarded to the **Subdivision Committee** for further review on December 6, 2005 at 6:00 PM in the Caucus Rooms of City Hall.

2H. Docket No. 05100004 PP: Gateway Pavilion (Center Pointe Crossing)

The applicant seeks plat approval for a commercial subdivision.

The site is located at the southwest corner of Bennett Pkwy & US 421 and is zoned B-3/Business within the US 421 Overlay.

Filed by Jim Shinaver of Nelson & Frankenberger for Heritage RDG, LLC.

TABLED TO DEC 20

I. Old Business:

1I. Docket Nos. 05080009 SP & 05080010 DP: Carmel Science & Tech Park, blk 7

The applicant seeks approval for a development plan and 5 new lots.

The site is located southeast of Carmel Dr & Adams St and is zoned M-3/Manufacturing.

Filed by Mike DeBoy of DeBoy Land Development Services, Inc.

Kevin Roberts, DeBoy Land Development Services appeared before the Commission representing the applicant. The Special Studies Committee reviewed this item last month and one of the primary concerns expressed was access to Carmel Drive. The lots have been reconfigured and drawings were re-submitted to the Engineering Department. The petitioner is dedicating 45 feet of one-half right-of-way along Adams Street and has a possibility of on-street parking to the north on Adams Street..

Another comment from Engineering referred to the resurfacing on Adams Street and this has been addressed.

Jerry Chomanczuk reported for the Special Studies Committee and concurred with the petitioner's summary. The Committee was in agreement with the elimination of the access onto Carmel Drive the reconfiguration of the lots.

Department Report, Matt Griffin: All outstanding issues have been resolved at this point and the Department is recommending approval as forwarded by the Committee.

Jerry Chomanczuk made formal motion for approval of Docket No. 05080010 DP, Carmel Science & Tech Park, block 7, seconded by Mark Rattermann, approved 9-0.

Note: Docket No. 05080009 SP would be approved administratively.

2I. Docket No. 05080016 PP, 05080017 SW, and 05080018 SW: Windsor Grove 2

The applicant seeks to plat 30 lots on 30.056 acres with the following subdivision waivers:

Docket No. 05080017 SW: 6.03.19 – Access to Arterials, Parkways, and Collectors

To seek relief from houses fronting collector streets/200 foot required separation from collector streets.

Docket No. 05080018 SW: 6.03.21 – Points of Access

To seek relief from providing 2 points of access into the subdivision.

The site is located at 3105 106th St. West and is zoned S1.

Filed by Brian Robinson of Stoepelwerth and Assoc. for Steve Wilson Inc.

Steve Wilson, 937 Keystone Way, Carmel appeared before the Commission representing the applicant. The plan has been changed to reflect a second entrance into the Windsor Grove Subdivision (Section 2.) The only variance on the 200 feet is at the west side of the entry at Lot one, approximately 140 feet rather than 200 feet. At this time, this is the only variance being requested.

Subdivision Report, Rick Ripma: The biggest issue was the point of access. The petitioner has Provided a second access at 106th Street and the Committee recommended approval 4-0.

Department Comments, Matt Griffin: All requested items have been submitted and the Department is in support and recommends approval at this time as forwarded by the Committee.

Rick Ripma moved for approval of **Docket Nos. 05080016 PP, 05080017 SW, Windsor Grove 2,**

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seconded by Susan Westermeier, **APPROVED** 9-0.

Note: Docket No. 05080018 SW: 6.03.21, Points of Access was Officially Withdrawn.

3I. Docket No. 05080040 DP Amend/ADLS: West Carmel Center, Blk C, lot 1 - Maplecrest Commons

The applicant seeks site plan and building approval for a business/retail center. The site is just west of Commerce Dr. & Carwinion Way and is zoned B-3/Business within the US 421 Overlay. Filed by Mike Jett of American Consulting for PR Block C, LLC.

Steve Hanscom, American Consulting, 7260 Shadeland Station, Indiana, appeared before the Commission representing the applicant. Also in attendance: Craig May, PR Block C.

The petitioner appeared before the Subdivision Committee earlier this month and has addressed all concerns.

Committee Report, Jerry Chomanczuk: The Committee looked at the project and voted 4-0 to recommend approval. The project is a typical retail-type development that fits along Michigan Road and Commerce Drive. There was some give and take as to additional landscaping as a result of meetings with the Spring Arbor and Ashbrooke Subdivisions. The design met with the Committee's approval.

Department Report, Matt Griffin: If all issues have been addressed through the Committee, the Department is recommending approval as forwarded.

Jerry Chomanczuk moved for approval of **Docket No. 05080040 DP Amend/ADLS, West Carmel Center, Blk C, Lot 1, Maplecrest Commons**, seconded by Rick Ripma, **APPROVED** 9-0.

4I. Docket No. 05090009 PP: Five Star Estates

The applicant seeks to plat 5 lots on 5 acres.

The site is located at 2200 W. 131st Street and is zoned S1/Residential.

Filed by Greg Snelling of Snelling Engineering, LLC for Prime Lots, LLC.

Greg Snelling, Snelling Engineering, 13295 Meridian Corners Boulevard, Carmel appeared before the Commission representing the applicant. Also in attendance was Bilal Patel, Prime Lots Estates, developer of the property located at 2200 West 131st Street.

The proposed development is a five-lot subdivision on 5 acres zoned S-1. The petitioner meets the zoning Ordinance and Subdivision Control Ordinance in all aspects. The Subdivision Committee reviewed this development and recommended favorable approval to the Commission.

There were three issues brought up at the Plan Commission meeting. One issue was final landscape plan approval. Item two was brought up by the homeowner to the west who requested that a fence be constructed for safety purposes along the western property line. The petitioner has agreed to construct a fence for 500 feet along the length of the cul-de-sac Street. The third issue was that more information on the entrance wall was to be submitted.

Greg Snelling offered samples of the brick wall with the entrance sign and ornamental, wrought-iron/anodized aluminum, black fence.

At this time, the petitioner is requesting a favorable vote on this petition.

Committee Report, Rick Ripma: There was one issue with the cul-de-sac where it has the ability to connect on the adjacent ground and this was put in the form of a commitment. Otherwise, the vote was a favorable 4-0 recommendation.

Greg Snelling confirmed that the developer agreed to allow right-of-way connection in the event development occurred to the west at some future date and street right-of-way would be used as a frontage. If there were a future developer, the petitioner requests that it would be private negotiations and that the petitioner would subsidize the cost of a portion of the entrance street—it will be included in the HOA covenants and restrictions.

Department Comments, Matt Griffin: The one requested item was a finalized landscape plan and this has been received. At this time, the Department is recommending approval as forwarded by the Committee.

Rick Ripma moved for approval of **Docket No. 05090009 PP, Five Star Estates**, seconded by Susan Westermeier, **APPROVED** 9-0.

5I. Docket No. 05090001 OA: Parking Ordinance Amendment

The applicant seeks to amend the Zoning Ordinance, *Chapter 27: Additional Parking & Loading Regulations*, in order to modify parking standards.
Filed by the Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing the applicant. The Parking Ordinance Amendment was reviewed by the Special Studies Committee on October 4th and November 1st. The changes have all been summarized in the Department Report.

Committee Report, Jerry Chomanczuk: The Committee reviewed the Ordinance Amendment on two separate occasions; most of the critical issues were the shared parking language and the on-street parking—included as a zoning waiver going forward. The Committee made some changes in the document which includes new language regarding biking requirements and regulations for the City—seen to be a major positive.

Mark Rattermann had favorable comments on the proposed amendment.

Kevin Heber made formal motion to **forward Docket No. 05090001 OA, Parking Ordinance Amendment** to the City Council with a positive recommendation, seconded by Rick Ripma, Approved 9-0.

6I. Docket No. 05090002 OA: ROSO Repeal

The applicant seeks to Repeal the Subdivision Control Ordinance, *Chapter 7: Open Space Standards for Major Subdivisions (ROSO III)*, in order to repeal the ROSO subdivision standards.
Filed by the Carmel Department of Community Services.

Adrienne Keeling appeared before the Commission representing the applicant. The ROSO Repeal was reviewed by the Subdivision Committee in October and November and it was determined that the entire Chapter 7 of the Subdivision Control Ordinance would not be recommended for repeal.

The current proposal would delete Section 7.02, the Density Incentive on page 2 of the draft. The Committee recommended reducing the density threshold on Page 1 of the draft from 1.0 units per acre or less downward to point 85 (.85) units per acre or less.

The base density for S-1 zoned properties would be one unit per acre and no incentive above and beyond that.

Rick Ripma made formal motion to **forward Docket No. 05090002 OA, ROSO Repeal** to the City Council with a positive recommendation, seconded by Jerry Chomanczuk and **Approved 9-0**.

There was no further business to come before the Commission and the meeting was adjourned at 7:15 PM.

Leo Dierckman, President

Ramona Hancock, Secretary